

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 VICTOR PEREZ, as Special Administrator of
4 the Estate of Carlos Perez, deceased, and as
the Guardian Ad Litem for S.E.P. and A.I.P.,

5 Plaintiff

6 v.

7 JAMES GREG COX, et al.,

8 Defendants

Case No.: 2:15-cv-01572-APG-DJA

Order Denying Motion for Reconsideration

[ECF No. 229]

9 Plaintiff Victor Perez moves for reconsideration of a portion of my order that granted
10 summary judgment in favor of the defendants on the loss of familial association claim under 42
11 U.S.C. § 1983. I deny the motion because it is untimely and because I find no basis to reconsider
12 my decision. *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th
13 Cir. 1993); LR 59-1(c) (“Motions for reconsideration must be brought within a reasonable
14 time.”). Perez moved for reconsideration nearly five months after I issued my order. ECF Nos.
15 205; 229. Given that the motion to reconsider largely repeats the arguments made at summary
16 judgment, the lengthy delay was unreasonable.

17 Further, there is no inconsistency between my rulings on the § 1983 claim and the state
18 law claims because the claims are governed by different legal standards. What may support a
19 state law tort claim may be quite different from what is sufficient to support a claim for a
20 constitutional violation. *See Daniels v. Williams*, 474 U.S. 327, 332 (1986) (“Our Constitution
21 deals with the large concerns of the governors and the governed, but it does not purport to
22 supplant traditional tort law in laying down rules of conduct to regulate liability for injuries that
23 attend living together in society. We have previously rejected reasoning that would make of the

1 Fourteenth Amendment a font of tort law to be superimposed upon whatever systems may
2 already be administered by the States.” (simplified)).

3 I THEREFORE ORDER that the plaintiff’s motion for reconsideration (ECF No. 229) is
4 **DENIED.**

5 DATED this 6th day of January, 2023.

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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